

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
Terence Wynne,

Plaintiff,

DOCKET NO. 5:20-cv-1613 (LEK/ATB)

-against-

Schachter Portnoy, LLC and
Dolores Iannarone-Rainieri,

Defendants.

-----X

NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441, et seq., defendants, SCHACHTER PORTNOY, LLC and DOLORES IANNARONE-RAINIERI remove this civil action from the Supreme Court of the State of New York, County of Onondaga, to the United States District Court for the Northern District of New York.

I. PROCEEDINGS TO DATE

On or about October 5, 2020, plaintiff, TERENCE WYNNE, filed a Summons and Complaint, dated October 5, 2020, in the civil action captioned *Terence Wynne, Plaintiff against*

Schachter Portnoy, LLC and Dolores Iannarone-Rainier, Defendants, Index No. 0006329/2020, in the Supreme Court of the State of New York, County of Onondaga. Defendants were served with the Summons and complaint on October 26, 2020. The complaint alleges a violation of New York Judiciary Law, Section 487 and plaintiff seeks actual damages and punitive damages as well as attorney fees and other relief. Defendant answered the complaint on December 14, 2020.

On December 22, 2020, plaintiff filed an Amended Complaint which contained, for the first time, allegations that the defendants violate 15 U.S.C. § 1692, et seq. (Fair Debt Collection Practices Act.)

Copies of all pleadings and other papers plaintiff previously filed with the Supreme Court, Onondaga County, are annexed hereto as Exhibit "A," as required by 28 U.S.C. Section 1446.

II. GROUNDS FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit "A".) Accordingly, according to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiffs' action is pending in the Supreme Court of the State of New York, County of Onondaga, which is within this judicial district and division. 28 U.S.C. Section 112(c). The United States District Court for the Northern District of New York is the District Court and Division within which the defendants may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. Defendants, SCHACHTER PORTNOY, LLC and DOLORES IANNARONE-RAINERI have been served with an Amended Complaint. This notice of Removal complies with 28 U.S.C. Section 1446(b).

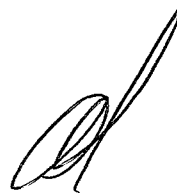
V. NOTICE

Pursuant to 28 U.S.C. Section 1446(b), defendants are simultaneously filing a copy of this Notice of Removal with the Supreme Court of the State of New York, County of Onondaga. Plaintiff's counsel is also being served with a copy of this Notice of Removal.

V. CONCLUSION

For the foregoing reasons, defendants, SCHACHTER PORTNOY, LLC and DOLORES IANNARONE-RAINIERI, respectfully request that this action, previously pending in the Supreme Court of the State of New York, County of Onondaga, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, NY
December 28, 2020



ARTHUR SANDERS, ESQ.
BARRON & NEWBURGER, P.C.
Attorney for defendants
30 South Main Street
New City, NY 10956
845-499-2990